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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,687	12/04/2003	Tsutou Asakura	25816	5664
20529	7590	11/01/2005	EXAMINER	
NATH & ASSOCIATES 1030 15th STREET, NW 6TH FLOOR WASHINGTON, DC 20005			DUONG, THOI V	
			ART UNIT	PAPER NUMBER
			2871	

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.P

Office Action Summary	Application No.	Applicant(s)	
	10/726,687	ASAKURA, TSUTOU	
	Examiner	Art Unit	
	Thoi V. Duong	2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 ~~is~~ are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 ~~is~~ are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the Amendment filed August 16, 2005.

Accordingly, claims 1-4 were amended, and new claims 5-7 were added.

Currently, claims 1-7 are pending in this application.

Drawings

2. Figures 1A, 1B, 2, 3A and 3B should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claim 2 is objected to because of the following informalities: claim 2 should be dependent on claim 1 instead of claim 2 itself. Appropriate correction is required.
4. Claim 6 is objected to because of the following informalities: claim 6 recites the limitations "the barrier member" in line 4 and "the filter" in line 5. There is insufficient antecedent basis for these limitations in the claim. Appropriate correction is required.
5. Claim 7 is objected to because of the following informalities: the preamble of claim 7 directs to a device (an image display apparatus) while the body of claim 7 directs to a method. Appropriate correction is required.

Response to Arguments

6. Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. Claims 1, 3, 5 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Ishino (USPN 6,726,334 B2).

Re claims 1 and 7, as shown in Fig. 1, Ishino discloses an image display apparatus comprising:

a white light source 1 for emitting white light in the form of a light beam of a prescribed cross-sectional area (col. 5, lines 21-23);

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three spatial light modulating elements 19, 10 and 13 for modulating three primary colors R, G and B respectively (col. 5, lines 1-11),

a lens 4 for emitting the light beam emitted from the white light source 1;

a primary means 22 for adjusting the color balance of the white light entering the lens 4 by reducing the level of any of the red, green or blue light components of the white light as shown in Figs. 3 and 8-10 (col. 7, line 46 through col. 8, line 21).

means of separating (dichroic mirrors 7, 8 and 15) and synthesizing (cross prism 20) for separating the three primary colors of light for which color balance has been adjusted with the primary means 22 for adjustment, for directing light of the three primary colors to the three spatial light modulating elements 19, 10 and 13 and for synthesizing light of the three primary colors modulated with the three spatial light modulating elements 19, 10 and 13 (col. 9, lines 7-47); and

means of projection (projection lens 21) for projecting light synthesized with the means of separating and synthesizing (col. 9, lines 44-55),

Re claim 3, as shown in Fig. 1, a lens array 3 is provided between the white light 1 and the lens 4.

Re claim 5, the primary means 22 is a filter for reducing the level of any of the red, green or blue light components of the white light as shown in Fig. 3 (col. 4, lines 46-60).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2, 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishino (USPN 6,726,334 B2) in view of Kanaya (USPN 6,466,375 B1).

Ishino discloses an image display apparatus that is basically the same as recited in claim 2 except for a barrier member for blocking all wavelength regions of the white light in at least part of a light beam entering or leaving the lens and a secondary means for adjusting the intensity of the white light in a light beam in which all wavelength regions are interrupted by the barrier member.

As shown in Figs. 1 and 3A-3C, Kanaya discloses an image display apparatus comprising a barrier member 23 (light blocking plate) for blocking all wavelength regions of the white light in at least part of a light beam leaving a pair of lens array 21, 22 (col. 4, lines 1-15 and col. 5, lines 27-64) and a secondary means of adjustment (filter 30 in Fig. 3B of filters 30B and 30G in Fig. 3C) for adjusting the intensity of the white light in a light beam in which all wavelength regions are interrupted by the barrier member 23 (col. 5, line 65 through col. 6, lines 17).

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the image display apparatus of Ishino with the teaching of Kanaya by employing a barrier member for blocking all wavelength regions of the white light in at least part of a light beam leaving the focusing lens and a secondary means of adjustment for adjusting the intensity of the white light in a light beam in which all wavelength regions are interrupted by the barrier member so as to

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prevent the leakage light and unnecessary color rays except for a predetermined color ray from entering the pixel corresponding to the predetermined color ray, and hence to improve a color purity and display a high quality image (col. 8, lines 49-52; col. 9, lines 16-18; and col. 9, line 65 through col. 10, line 4).

Re claim 4, as shown in Fig. 1, Ishino discloses a lens array 3 provided between the white light source 1 and the lens 4.

Re claim 6, as shown in Figs. 8-10, Ishino discloses that the primary means 22 is a filter for reducing the level of any of the red, green or blue light components of the white light at both ends either in the left and right direction or in the upper and lower direction of the prescribed cross-sectional area of the white light (col. 10, line 61 through col. 11, line 58).

As shown in Fig. 1 of Ishino, the primary means 22 is installed orthogonal to the optical axis, and as shown in Fig. 1 of Kanaya, the barrier member 23 is also installed orthogonal to the optical axis 10. Accordingly, it is clear that the barrier member is positioned perpendicular to the direction in which the primary means is installed, or the barrier layer can move in a direction orthogonal to the side at which the primary means (filter) is disposed.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thoi V. Duong whose telephone number is (571) 272-2292. The examiner can normally be reached on Monday-Friday from 8:30 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim, can be reached at (571) 272-2293.

Thoi Duong



10/30/2005


ANDREW SCHECHTER
PRIMARY EXAMINER